

Ponak, Rich

From: James Almand <jalmand@ajgalaw.com>
Sent: Wednesday, August 17, 2016 1:49 PM
To: Ponak, Rich
Subject: FW: Wight Bay Condo (b) (6)
Attachments: (b) (6) DOC003.pdf

Rich: Please see attached. Please confirm receipt and nothing else needed. Thank you.

From: Eugene Jubber [mailto:eugene@oc-rem.com]
Sent: Wednesday, August 17, 2016 12:09 PM
To: James Almand <jalmand@ajgalaw.com>
(b) (6)

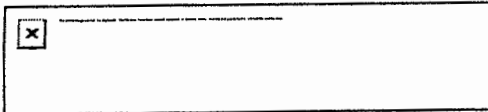
Attached is info as requested

Eugene Jubber, CMCA, AMS, PCAM
Community Association Manager
OC Real Estate Management Inc.
5901 Coastal Hwy Suite C
Ocean City MD 28142
Phone# 410-524-5781
Fax# 410-524-5802

From: Lionel Fisher [mailto:lionel@fishersenvironmental.com]
Sent: Wednesday, August 17, 2016 11:33 AM
To: eugene@oc-rem.com
Cc: 'Lance' <lance@fishersenvironmental.com>
Subject: Re: Wight Bay Condo (b) (6)

Per your request, please find attached copies of ASB notification to State of Maryland and the waste manifest for disposal of removed materials.

Lionel Fisher



Lionel C. Fisher
Office Manager
Fishers Environmental, LLC
809 Maryland Avenue
Delmar, Maryland 21875
Ph. 443.359.5192 Fax 443.359.5747

----- Original message -----

From: Eugene Jubber <eugene@oc-rem.com>
Date: 8/17/16 9:46 AM (GMT-05:00)
To: lance@fishersenvironmental.com
Cc: 'James Almand' <jalmand@ajgalaw.com>

Subject: FW: wight bay

Lance,

Is there a way you can get me the info needed below, this is for the job at Wight Bay (b) (6)

Eugene Jubber, CMCA, AMS, PCAM

Community Association Manager

OC Real Estate Management Inc.

5901 Coastal Hwy Suite C

Ocean City MD 28142

Phone# 410-524-5781

Fax# 410-524-5802

From: James Almand [<mailto:jaland@ajgalaw.com>]

Sent: Wednesday, August 17, 2016 9:12 AM

To: 'Eugene Jubber' <eugene@oc-rem.com>

Subject: wight bay

Rich Ponak of EPA wants disposal records and scope of work for asbestos. Do you have those? Can you get from Fisher?

James W. Almand

Ayres, Jenkins, Gordy & Almand, P.A.

6200 Coastal Highway

Suite 200

Ocean City, Maryland 21842

410-723-1400 (phone)

410-723-1861 (fax)

website: www.ajgalaw.com

LEGAL NOTICE

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MD DEPARTMENT OF THE ENVIRONMENT • ASBESTOS LICENSING/ENFORCEMENT DIVISION • ASBESTOS PROJECT NOTIFICATION

1800 Washington Blvd., Suite 725 • BALTIMORE MD 21230-1720

OFFICE USE ONLY →
Notification ID:
Notification Type: (Check one) →

☐ [O] **ORIGINAL** [First Notice THIS Project]

Resp Agency: **S**

 Original Submit Date: **03/01/16**
 [If THIS is a revision]

☒ [R] **Revision** Revision # **1**
Variance Request Attached? (Y/N) Y

 Revision Date: **03/22/16**
 [Date of THIS Revision]

☐ [P] Postpone →

☐ [R] Reschedule

Received Date: →

☐ [C] Cancel →

☐ [R] Reschedule

Postmark Date: →

If this is a Revision, what are you revising?
☐ Start Date

☒ Complete Date

Initials/Date:
☒ Other (Specify) Residence number

☐ Quantity

 Type of Project **NESHAP** → ☐ [N] Renovation ☐ [D-N] Demolition ☐ [D-N] DEMO ONLY (no asbestos)
 [Operation]: **Non-NESHAP** → ☒ [S-N] Renovation ☐ [D-N] Demolition ☐ [S-N] Encapsulation

I. JOB/SITE DATA
Emergency? ☐ Yes ☒ No

Asbestos Present? ☒ Yes ☐ No

 Enter **PROJECT [Site/Building] NAME** below: ↓

Wight Bay Condo ACM Removal

 Street Address: **Coastal Hwy -**
Region: 03

 County ID: **23** (From below)

 City: **Ocean City**

 State: **MD**

 Zip: **21842**

01 Allegany	04 Calvert	07 Cecil	10 Frederick	13 Howard	16 Prince George	19 Somerset	22 Wicomico
02 Anne Arundel	05 Caroline	08 Charles	11 Garrett	14 Kent	17 Queen Anne	20 Talbot	23 Worcester
03 Baltimore	06 Carroll	09 Dorchester	12 Harford	15 Montgomery	18 St Mary	21 Washington	24 Baltimore City

 Project/Site Location Description: (BE SPECIFIC...Bldg, Room, Floor # etc.) **Living room and bedroom areas of condo.**

 Building Size: **1,200**

(SQ FT)

 No. Floors: **1**

Present/Prior Use: B-Ship, C-Commercial, G-Government, H-Hospital, I-Industrial, O-Office, P-Public Building, R-Residence, S-School, U-University/College, V-Vacant, T-Other

 Present Use: **R**

(LN FT)

 Age: **30**

 Prior Use: **R**
II. ASBESTOS/PROJECT DATA
Nonfriable Not Removed
Nonfriable Removed

Amount of Asbestos	RACM Removed	CAT I	CAT II	CAT I	CAT II	Unit
Pipes						LnFt
Surface Area	200					SqFt
Vol Off Fac Component						CuFt

 Removal/Encapsulation/Demolition → Start Date: **03/21/16**

 Completion Date: **03/23/16**

 # of Workers: **2**

 Project Supervisor: **Lance Fisher**

 Days Worked: **Mon-Tues**

 Hours Worked: **7-3:30**
III. RESPONSIBLE PARTIES

 Describe asbestos (e.g. pipe insulation, boiler breeching, floor tile, etc.)
Drywall mud.
A. Asbestos Contractor: **Fishers Environmental, LLC**

 MD License #: **M21-22-075**

 Project Contact: **Lance Fisher**

 Telephone: **443-359-5192**
B. Other [including Demolition] Contractor:

Address:

Contact:

City, State, Zipcode:

Telephone:

C. Owner: **Eugene Jubber**

 Address: **5901 Coastal Hwy - Suite C**

 Contact: **Eugene Jubber**

 City, State, Zipcode: **Ocean City, MD 21842**

 Telephone: **410-524-5781**

III. RESPONSIBLE PARTIES *(continued)*

D. **Waste Transporter:** Fishers Environmental, LLC

Address: 809 Maryland Avenue

Contact: Lance Fisher

City, State, Zipcode Delmar, MD 21875

Telephone: 443-359-5192

E. **Landfill:** WM - Southern Alleghenies Landfill

Address: 843 Miller Picking Road

Contact: Office

City, State, Zipcode Davidsville, PA 15928

Telephone: 814-244-9881

IV. WORK PRACTICES

A. Procedure, including analytical method, if appropriate, used to detect the presence of asbestos. *(Use additional sheets, if necessary)*
Owner provided information.

B. Description of planned demolition, renovation, or encapsulation work and method(s) to be used: *(Use additional sheets, if necessary)*
Removal of approx. 200 sq. feet of asbestos containing drywall mud and associated drywall from the living room and bedroom areas of the unit.

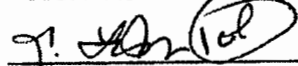
C. Description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition, renovation and/or encapsulation site: *(Use additional sheets, if necessary)*
Standard OSHA practices.

D. EMERGENCY RENOVATIONS: Date and Hours of Emergency: (MM/DD/YY) Time:
Description of the sudden, unexpected event: *(Use additional sheets, if necessary)*

Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden: *(Use additional sheets, if necessary)*

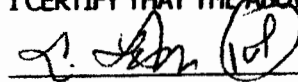
E. Description of procedures to be followed in the event that unexpected asbestos is found or previously nonfriable asbestos material becomes crumbled, pulverized, or reduced to powder. *(Use additional sheets, if necessary)*
Fishers utilizes licensed personnel who will follow all Federal, State and local regulations.

F. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION, RENOVATION OR ENCAPSULATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.


Signature

3-22-16
Date

G. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.


Signature

3-22-16
Date

H. IN ADDITION TO THE INFORMATION REQUIRED BY NESHAP REGULATIONS, MARYLAND REQUIRES THAT THE FOLLOWING INFORMATION BE PROVIDED AT THE TIME OF NOTIFICATION: EMPLOYEE INFORMATION. ON A SEPARATE PAGE, PROVIDE THE FOLLOWING INFORMATION FOR EACH EMPLOYEE NOT LISTED ON SCHEDULE I OF "APPLICATION FOR LICENSE TO REMOVE/ENCAPSULATE ASBESTOS" WHO WILL HANDLE ASBESTOS ON THIS PROJECT: 1) **FULL NAME**; 2) **SOCIAL SECURITY NUMBER**; 3) **NAME OF ORGANIZATION THAT PROVIDED APPROVED TRAINING COURSE**; AND 4) **DATE OF MOST RECENT APPROVED TRAINING COURSE ATTENDED**.

WASTE SHIPMENT RECORD/ASBESTOS MANIFEST

(See Reverse for Instructions)

For Disposal Site Use Only

Generator	1-A. Special Waste Profile Number 404449PAE		NESHAP Notified ____ YES <input checked="" type="checkbox"/> ____ NO		WSR Number 16-0039-00136629		Elevation _____ North _____ East _____	
	1-B. Generator Name, Contact Name, and Complete Mailing Address (including Zip Code) Eugene Subben 5901 Coastal Hwy - Suite C Ocean City, MD, 21842						1-C. Generator's Phone Number 410 574 5781	
	1-D. Work Site Address [REDACTED] (b) (6) [REDACTED] City, MD, 21842						1-E. 24 Hour Emergency Response [REDACTED] 443 354 5192	
	2. Operator's Name and Complete Mailing Address Fishers Environmental LLC 809 Maryland Ave Delmar, MD, 21875						Operator's Phone Number 443 794 5192	
	3. Waste Disposal Site (WDS) Name and Complete Mailing Address ALLIANCE LANDFILL 390 S. KEYSER AVENUE TAYLOR, PA 18517-1009						WDS Phone Number 570 522 0209	
	4. Name and Address of Responsible Agency USEPA Region II (NY, NJ, PR, & VI) USEPA Region I (MA, ME, CT, RI, VT, & NH) Air Compliance Branch Air Compliance Branch 1600 Arch Street, Philadelphia, PA 19103 230 Broadway, New York, NY 10007 Boston, MA 02109-3912							
	5. Description of Materials Friable Asbestos						6. Containers No. Type	
	friable asbestos				RO, NA2212, Asbestos, 9, PGIII		36 1000	
	non-friable asbestos				Cat I _____ Cat II _____		200 sq. ft.	
	7. Total Quantity yd3							
8. Special Handling Instructions and Additional Information 24 HOUR NOTICE GIVEN PRIOR TO DISPOSAL, MUST BE BURIED								
9. GENERATOR/OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations. I hereby certify that the asbestos is not contaminated with hazardous, PCB, and/or any special waste.								
Printed/Typed Name and Title Billy Mullaney, Proj. Supervisor				Signature [Signature]		Date 3-23-16		
Transporter	10. Transporter 1 Company Name Fishers Environmental LLC				Driver Signature [Signature]			
	Complete Mailing Address 809 Maryland Ave Delmar, MD, 21875				Printed Name and Title [Signature]			
	Telephone Number (including area code)				Date 5/25/16			
	11. Transporter 2 Company Name				Driver Signature [Signature]			
Complete Mailing Address				Printed Name and Title [Signature]				
Telephone Number (including area code)				Date [Signature]				
Disposal Site	12. Discrepancy Indication Space [Signature]							
	13. Waste Disposal Site Owner or Operator Certification of receipt of asbestos materials covered by this manifest except as noted in Item 12.							
	Printed/Typed Name and Title [Signature]				Signature [Signature]		Date 5/15/16	

WHITE - Disposal Site

CANARY - Generator
(To be mailed by Disposal Site)

PINK - Transporter

GOLD - Generator
(To be taken prior to disposal)

COMPLIANCE & CUSTOMER ASSISTANCE TRACKING SHEET

STATUTE <input type="checkbox"/> FIFRA <input type="checkbox"/> NESHAPS <input type="checkbox"/> TSCA/AHERA <input type="checkbox"/> TSCA/ASHARA		
Customer Assistance Provided by:		Date: 5/9/16
Caller Name: David Kelly		Assistance Provided: <input type="checkbox"/> PROGRAM <input type="checkbox"/> ENFORCEMENT <input type="checkbox"/> REGULATORY <input type="checkbox"/> TECHNICAL <input type="checkbox"/> COMPLIANCE ASSISTANCE <input type="checkbox"/> CUSTOMER ASSISTANCE <input type="checkbox"/> OTHER
Company: Travelers Insurance		
Address:		
Phone Number: 443 333 1687		
Type of Contact: <input type="checkbox"/> Phone Call <input checked="" type="checkbox"/> Workshop/Meeting/Training <input type="checkbox"/> Tool Development In-House <input type="checkbox"/> On-Site Visit <input type="checkbox"/> Correspondence <input type="checkbox"/> Other (Describe):		Contact Notes: With Bay Cn's

Assistance Required For:

<input type="checkbox"/> Label Interpretation, claims <input type="checkbox"/> Label Interpretation, use <input type="checkbox"/> Section 7 Application <input type="checkbox"/> Section 7 Reporting <input type="checkbox"/> Pesticide Registration	<input type="checkbox"/> C&T <input type="checkbox"/> Worker Protection Standard <input type="checkbox"/> General FIFRA Information <input type="checkbox"/> Urban Initiative Review <input type="checkbox"/> PCO Requirements	<input type="checkbox"/> Disposal/Container Recycling <input type="checkbox"/> Imports <input type="checkbox"/> PCO Training Presentation <input type="checkbox"/> Other Presentation <input type="checkbox"/> Other
Critical Approaches (Check all that apply) <input type="checkbox"/> Community Based <input type="checkbox"/> Environmental Protection <input type="checkbox"/> Environmental Justice <input type="checkbox"/> Partnership Programs <input type="checkbox"/> Pollution Prevention	Environmental Priorities <input type="checkbox"/> Children's Health <input type="checkbox"/> Reducing Toxics <input type="checkbox"/> Other	Potential Impact <input type="checkbox"/> Increased Awareness and Understanding <input type="checkbox"/> Behavioral Changes <input type="checkbox"/> Regulatory <input type="checkbox"/> Non-Regulatory <input type="checkbox"/> Environmental and Human Health Improvements

Follow-Up? ☐ No ☐ Yes (describe)

Are follow-up activities planned to collect outcome data? ☐ Yes ☐ No

# Entities Reached:	Were Small Businesses Assisted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Amount of Time Spent:	Referred for Follow-Up To:
Is the activity part of a larger sector/media approach (e.g., combined with enforcement strategy)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Follow-Up Completed By:	Date:

Received Tip/Complaint Form

Case Num	Information for Complaint <input type="checkbox"/> Call <input type="checkbox"/> Mail <input type="checkbox"/> Other	Date Received	Time Received

Name	
Phone	

Program: ☐ EPA ☐ NESEA ☐ ISCA ☐ AHERA ☐ TSCA ☐ ASHATA ☐ MAP ☐ Other

Additional Information

Name	EPAID#
------	--------

Address/Location

Tip/Complaint

Follow-up Action

Recommended Action

- ☐ Open Case File
- ☐ Schedule for Inspection
- ☐ Refer to State Environmental Agency
- ☐ Refer to State Agricultural Agency
- ☐ Refer to Other EPA Region
- ☐ Refer to Other EPA Media Program _____
- ☐ Refer to other Federal Agency
- ☐ Refer to Local Government Agency
- ☐ No Further Action Required

Explain:

Signatures

Compliance Officer Signature

Coordinator Concurrence

Chief, PAPEB

Ponak, Rich

From: Ponak, Rich
Sent: Friday, April 29, 2016 7:35 AM
To: Bill Schmidt
[REDACTED] FAILED Visual Inspection After Work Was Completed

Bill,

I spoke to our lead attorney and he stated I could release the file when we close the case. I'm not sue when that will be, still attempting to collect documentation. This report from the consultant does not mean much to me I saw the same thing. I do believe this place was very dirty prior to any work being conducted. I still have not seen any positive dust results.

Thanks, Rich

From: Bill Schmidt -MDE- [mailto:bill.schmidt@maryland.gov]
Sent: Thursday, April 28, 2016 2:49 PM
To: Ponak, Rich <Ponak.Rich@epa.gov>
Cc: D'Arcy Talley -MDE- <d'arcy.talley@maryland.gov>; Shea Beitler-Akman -MDE- <shea.beitler-akman@maryland.gov>
Subject: Fwd: #548 FAILED Visual Inspection After Work Was Completed

FYI, Please see the FWD email and attachment received from (b) [REDACTED] today. Also, Please contact me regarding your reports to the site. I have messages in your Vmail.

Thanks

Bill Schmidt
Investigator

MD Office of the Attorney General, Environmental Crimes Unit

410-537-3023 Baltimore Office
410-977-9870 Cell
410-537-3030 Fax

----- Forwarded message -----

From: (b) (6) [REDACTED]
Date: Thu, Apr 28, 2016 at 1:31 PM
Subject: [REDACTED] FAILED Visual Inspection After Work Was Completed
To: Bill Schmidt -MDE- <bill.schmidt@maryland.gov>, mary.tung@maryland.gov, Lorraine Anderson -MDE- <lorraine.anderson@maryland.gov>

Attached is a report from the industrial hygienist who performed the asbestos testing prior to any work being performed in condo [REDACTED] and a report of her visual inspection of the property after the work was completed proving Wight Bay Board of Directors and Management Company failed to follow federal asbestos laws and intentionally contaminated our condo.

Following the report already submitted to you from Environmental Testing Inc., Wight Bay Board of Directors and Management Company, OC Real Estate Management, CEO, Eugene Jubber had contractors perform additional work on asbestos containing materials in the unit without any asbestos

containment or abatement and left our property in the condition as described and documented by expert, Dr. White (attached).

Regards,

(b) (6)

Ponak, Rich

From: Bill Schmidt -MDE- <bill.schmidt@maryland.gov>
Sent: Thursday, April 28, 2016 2:49 PM
To: Ponak, Rich
Cc: D'Arcy Talley -MDE-; Shea Beitler-Akman -MDE-
Subject: Fwd: (b) (6) FAILED Visual Inspection After Work Was Completed
Attachments: 2016.04.28 Wight Bay (b) (6) Industrial Hygienist Report.pdf

FYI, Please see the FWD email and attachment received from (b) (6) today. Also, Please contact me regarding your reports to the site. I have messages in your Vmail.
Thanks

Bill Schmidt
Investigator

MD Office of the Attorney General, Environmental Crimes Unit

410-537-3023 Baltimore Office
410-977-9870 Cell
410-537-3030 Fax

----- Forwarded message -----

From: (b) (6)
Date: Thu, Apr 28, 2016 at 1:31 PM
Subject: #548 FAILED Visual Inspection After Work Was Completed
To: Bill Schmidt -MDE- <bill.schmidt@maryland.gov>, mary.tung@maryland.gov, Lorraine Anderson -MDE- <lorraine.anderson@maryland.gov>

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Regards,

(b) (6)



SUSSEX
Environmental Consultants

Professional, Confidential and Objective Environmental Health Evaluations

24 Ancient Oak Drive
Lewes, DE 19958
Phone: 302.847.1810
Fax: 302.947.1350
www.sussexenvironmental.com

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<i>Mold</i>	<i>Fire</i>
<i>Fungus and Bacteria</i>	<i>Water</i>
<i>Asbestos</i>	<i>VOC's</i>
<i>Property Evaluations</i>	<i>Safety Programs</i>
<i>Thermal Imaging</i>	<i>Expert Witness</i>
<i>Industrial Hygiene</i>	<i>OSHA</i>

April 27, 2016

[REDACTED]
White Bay Condo [REDACTED]
4711 Coastal Highway
Ocean City, Maryland 21842
(b) (6) [REDACTED]

Re: White Bay Condo [REDACTED] Coastal Highway, Ocean City, Maryland
Asbestos Sampling

Dear (b) (6) [REDACTED]

Attached is the report for the property identified above based on evaluation provided March 18 and 28, 2016 and opinion on current conditions with regard to dusts in the condo unit.

Please feel free to call if you have any questions. Thank you for using our services.

Sincerely,

Susan E. White, PhD, CMC
Industrial Hygienist
Member, LLC

Survey & Sample Results

Sussex Environmental Consultants (SEC) was retained to conduct an asbestos evaluation at White Bay Condo [REDACTED] Coastal Highway, Ocean City, Maryland on March 18, 2016. The sampling was provided due to owners concerns of asbestos containing materials at windows and doors.

Samples were obtained for possible asbestos presence due to potential to disturb. Aerobiology Laboratory Associates of Dulles, Virginia performed Polarized Light Microscopy (PLM) of the samples. Samples are deemed asbestos containing if they contain >1%.

Sample results identified drywall joint compound as asbestos containing. Based on the results of the analysis, the drywall joint compound must be addressed as friable asbestos containing materials. This includes all joint compounds within the condo unit.

The asbestos containing materials indicated must be removed and discarded as friable asbestos containing materials by a licensed State of Maryland asbestos abatement contractor if they are to be disturbed. This includes contained under HEPA filtered negative air and appropriate personal protective equipment must be worn.

On March 28, 2016 an evaluation was provided to assess for presence of dusts in the condo unit that may be due to recent door and window installation and disturbance of possible asbestos containing materials. During the evaluation, Sussex Environmental representative identified what appeared to be drywall dusts and debris on carpeting and other surfaces.

Based on the sampling and evaluation previously provided March 18, 2016, there is a potential that this dusts contains asbestos and must be addressed as such prior to condo occupancy. There is no safe level of asbestos fibers indoors. For this reason, it is recommended the condo unit be decontaminated under HEPA filtered negative air to clean contents and surfaces where dusts and fibers may be present.

The property must then be sampled by wipe sampling with Transmission Electron Microscopy (TEM) analysis. This is to identify if the dusts contain asbestos fibers and if the unit has been properly cleaned. TEM air sampling is also recommended.

COMPLIANCE & CUSTOMER ASSISTANCE TRACKING SHEET

STATUTE <input type="checkbox"/> FIFRA <input type="checkbox"/> NESHAPS <input type="checkbox"/> TSCA/AHERA <input type="checkbox"/> TSCA/ASHARA		
Customer Assistance Provided by: <i>Michelle</i>		Date: <i>4/18/16</i>
Caller Name: <i>Bill Schmidt</i>		Assistance Provided: <input type="checkbox"/> PROGRAM <input type="checkbox"/> ENFORCEMENT <input type="checkbox"/> REGULATORY <input type="checkbox"/> TECHNICAL <input type="checkbox"/> COMPLIANCE ASSISTANCE <input type="checkbox"/> CUSTOMER ASSISTANCE <input type="checkbox"/> OTHER
Company: <i>Environmental Control Inc</i>		
Address: <i>410 537 3023</i>		
Phone Number: <i>410 977 9870 (C)</i>		
Type of Contact: <input type="checkbox"/> Phone Call <input checked="" type="checkbox"/> Workshop/Meeting/Training <input type="checkbox"/> Tool Development In-House <input type="checkbox"/> On-Site Visit <input type="checkbox"/> Correspondence <input type="checkbox"/> Other (Describe):		Contact Notes: <i>Wight Bay</i>

Assistance Required For:

<input type="checkbox"/> Label Interpretation, claims <input type="checkbox"/> Label Interpretation, use <input type="checkbox"/> Section 7 Application <input type="checkbox"/> Section 7 Reporting <input type="checkbox"/> Pesticide Registration	<input type="checkbox"/> C&T <input type="checkbox"/> Worker Protection Standard <input type="checkbox"/> General FIFRA Information <input type="checkbox"/> Urban Initiative Review <input type="checkbox"/> PCQ Requirements	<input type="checkbox"/> Disposal/Container Recycling <input type="checkbox"/> Imports <input type="checkbox"/> PCO Training Presentation <input type="checkbox"/> Other Presentation <input type="checkbox"/> Other
Critical Approaches (Check all that apply) <input type="checkbox"/> Community Based <input type="checkbox"/> Environmental Protection <input type="checkbox"/> Environmental Justice <input type="checkbox"/> Partnership Programs <input type="checkbox"/> Pollution Prevention	Environmental Priorities <input type="checkbox"/> Children's Health <input type="checkbox"/> Reducing Toxics <input type="checkbox"/> Other _____ _____ _____	Potential Impact <input type="checkbox"/> Increased Awareness and Understanding <input type="checkbox"/> Behavioral Changes <input type="checkbox"/> Regulatory <input type="checkbox"/> Non-Regulatory <input type="checkbox"/> Environmental and Human Health Improvements

Follow-Up? ☐ No ☒ Yes (describe)

LM 4/21/16

Are follow-up activities planned to collect outcome data? ☐ Yes ☐ No

# Entities Reached:	Were Small Businesses Assisted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Amount of Time Spent:	Referred for Follow-Up To:
Is the activity part of a larger sector/media approach (e.g., combined with enforcement strategy)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Follow-Up Completed By:	Date:

Recommended Tip/Complaint Form

Case Number	Information Received <input type="checkbox"/> Call <input type="checkbox"/> Letter <input type="checkbox"/> Email <input type="checkbox"/> Other _____	Date Received	Time Received
Name			
Phone			

Program: ☐ RCRA ☐ NESHAPS ☐ TSCA AIR/PA ☐ TSCA ASHATA ☐ MAPS
☐ Other _____

Facility Information

Name	EPAID#
------	--------

Address/Location

Tip/Complaint

Follow-up Action

Signatures	
<u>Recommended Action</u> <input type="checkbox"/> Open Case File <input type="checkbox"/> Schedule for Inspection <input type="checkbox"/> Refer to State Environmental Agency <input type="checkbox"/> Refer to State Agricultural Agency <input type="checkbox"/> Refer to Other EPA Region <input type="checkbox"/> Refer to Other EPA Media Program _____ <input type="checkbox"/> Refer to other Federal Agency <input type="checkbox"/> Refer to Local Government Agency <input type="checkbox"/> No Further Action Required <u>Explain:</u>	Compliance Officer Signature
	Coordinator Concurrence
	Chief, PAPEB

Ponak, Rich

From: Ponak, Rich
Sent: Wednesday, April 13, 2016 1:39 PM
To: Bill Schmidt -MDE-
Subject: FW: Asbestos Bulk Sample Analysis - Wight Bay Condominium
Attachments: 160787-plm.pdf

-----Original Message-----

From: Anne Mooney [mailto:amooney@criterionlabs.com]
Sent: Thursday, April 07, 2016 11:12 AM
To: Ponak, Rich <Ponak.Rich@epa.gov>
Subject: Asbestos Bulk Sample Analysis - Wight Bay Condominium

Please find attached the above-referenced results. If you have any questions, please contact our laboratory at 215-244-1300.

Thank you.

Anne Mooney
Criterion Laboratories, Inc.
215-244-1300, ext. 21

--
Note: As part of our going green commitment, Criterion Laboratories, Inc. will be reporting all environmental testing results/reports via email. We feel that this will minimize the use of paper and allow you to receive your results in the timeliest manner.

We hope to gain your participation as we feel that these steps towards going green make sense for both business and ecological reasons; however, if you would like to make a special request to receive hard copy results/reports please reply to this email and include the words "Paper Reports" in the subject line. We will always maintain a copy on file if you require additional copies in the future.

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Ponak, Rich

From: Ponak, Rich
Sent: Tuesday, April 12, 2016 3:48 PM
To: Bill Schmidt -MDE-
Subject: RE: Wight Bay Condos (b) Unit (b)

Mr. Schmidt,

I left you a voice mail this morning indicating your email went to my junk mail folder and I just saw it today. I have a meeting shortly, you can give me a call tomorrow. FYI I don't believe there are any violations at that site, but still gathering information.

Thanks, Rich

Richard Ponak
Enforcement officer
United States Environmental Protection Agency
1650 Arch St (3LC62)
Philadelphia, PA 19103
Telephone: 215-814-2044
Cell: 215-514-7151
Fax: 215-814-2113

From: Bill Schmidt -MDE- [mailto:bill.schmidt@maryland.gov]
Sent: Tuesday, April 12, 2016 3:40 PM
To: Ponak, Rich <Ponak.Rich@epa.gov>
Cc: Shea Beitler-Akman -MDE- <shea.beitler-akman@maryland.gov>; D'Arcy Talley -MDE- <d'arcy.talley@maryland.gov>; Lorraine Anderson -MDE- <lorraine.anderson@maryland.gov>
Subject: Fwd: Wight Bay Condos (b) Unit (b) (6)

Mr. Ponak,

I attempted phone and email contact with you on April 4, 2016. I have not received a reply or return communication. It is important that I communicate with you concerning alleged asbestos exposure complaints at the Wight Bay Condo unit (b) (6) occupied by the (b) (6).

I look forward to speaking with you about the matter.
Thank You

Bill Schmidt
Investigator
MD Office of the Attorney General, Environmental Crimes Unit
410-537-3023 Baltimore Office
410-977-9870 Cell
410-537-3030 Fax

----- Forwarded message -----

From: **Bill Schmidt -MDE-** <bill.schmidt@maryland.gov>

Date: Mon, Apr 4, 2016 at 10:15 AM

Subject: Wight Bay Condos- [REDACTED] Unit (b) (6)

To: Ponak.Rich@epa.gov

Cc: Shea Beitler-Akman -MDE- <shea.beitler-akman@maryland.gov>, D'Arcy Talley -MDE- <d'arcy.talley@maryland.gov>

Dear Mr. Ponak,

The MD Office of the Attorney General, Environmental Crimes Unit has received phone calls and several email messages from [REDACTED] of Unit [REDACTED] alleging asbestos exposure caused by contractors, hired by the condo association, failing to properly contain and abate asbestos during construction work in the Wight Bay Condo units. I attempted phone contact with you today regarding the case but was unsuccessful in reaching you at your office phone and cell phone.

On Tuesday, March 29, 2016, I meet with Mr. Eugene Jubber, Condo Manager, in Ocean City. Mr. Jubber stated that all regulatory standards for containing and abating asbestos have been met during construction activities at the condos. He stated that the only known asbestos containing material at the condos was identified in drywall joint compound grouting around interior sliding doors; and exterior siding encountered around some of the units (not including the [REDACTED] Unit [REDACTED] during a contracted window replacement job. Mr. Jubber provided reports from environmental testing companies detailing inspection and testing results. He mention that you had previously made site visits and have had some level of involvement in the case. I am interested in any information you may have regarding you activities or involvement in the case. Would you please contact me regarding this case.

Thanks you.

Bill Schmidt

Investigator

MD Office of the Attorney General, Environmental Crimes Unit

410-537-3023 Baltimore Office

410-977-9870 Cell

410-537-3030 Fax

Ponak, Rich

From: Ponak, Rich
Sent: Thursday, April 07, 2016 3:15 PM
To: [REDACTED]
Subject: RE: Asbestos Cleanup...

Did you receive results from your wipe samples? The samples I collected on March 30, 2016 were none detect.

From: [REDACTED]
Sent: Thursday, April 07, 2016 1:51 PM
To: Ponak, Rich <Ponak.Rich@epa.gov>
Subject: Asbestos Cleanup...

Mr. Ponak,

Thank you again for your assistance and education regarding the asbestos exposure in our home in Ocean City, Md.

I know you are incredibly busy, but it would help us immensely if you could tell us the protocol for asbestos clean up of hard surfaces, as you said soft surfaces is highly disputed by experts in the field. We have been unable to find any direction, recommendations, guidelines or protocols.

We are down to the wire in having the ability to stay in a hotel and the safety as our priority want to properly clean up any and all friable asbestos released in our home so we may safely return home.

Regards,

(b) (6) [REDACTED]

Ponak, Rich

From: (b) (6)
Sent: Thursday, April 07, 2016 1:51 PM
To: Ponak, Rich
Subject: Asbestos Cleanup...

Mr. Ponak,

Thank you again for your assistance and education regarding the asbestos exposure in our home in Ocean City, Md.

I know you are incredibly busy, but it would help us immensely if you could tell us the protocol for asbestos clean up of hard surfaces, as you said soft surfaces is highly disputed by experts in the field. We have been unable to find any direction, recommendations, guidelines or protocols.

We are down to the wire in having the ability to stay in a hotel and the safety as our priority want to properly clean up any and all friable asbestos released in our home so we may safely return home.

Regards,

(b) (6)

Ponak, Rich

From: Ponak, Rich
Sent: Thursday, April 07, 2016 11:29 AM
To: Bishop, Everett
Subject: FW: Asbestos Bulk Sample Analysis - Wight Bay Condominium
Attachments: 160787-plm.pdf

-----Original Message-----

From: Anne Mooney [mailto:amooney@criterionlabs.com]
Sent: Thursday, April 07, 2016 11:12 AM
To: Ponak, Rich <Ponak.Rich@epa.gov>
Subject: Asbestos Bulk Sample Analysis - Wight Bay Condominium

Please find attached the above-referenced results. If you have any questions, please contact our laboratory at 215-244-1300.

Thank you.

Anne Mooney
Criterion Laboratories, Inc.
215-244-1300, ext. 21

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Results of Polarized Light Microscopy

Page 1 of 2

Client: US EPA - Region III

Site Address: Wight Bay Condominiums (b) (6)

Sample Date: 4/1/2016

Project #: 160787

Sample Received Date: 4/1/2016 1:49:00 PM

Collected By: US EPA - Region III

Analyzed By: Colsher, Blythe

Analysis Date: 4/6/2016

Sample # Location / Material Description	Layer	Non - Asbestos		Asbestos		Comments
		Fibrous & Percent	Non-Fibrous %	Asbestos Type	Percent	
160787-001 Paper/Backing Front Door Floor	1	Cellulose-75	25	None Detected	---	
160787-002 Plaster Living Room	1	Cellulose-3	97	None Detected	---	
160787-003 Foam/Paint Bedroom #2	1	---	100	None Detected	---	foam
160787-003 Foam/Paint Bedroom #2	2	Cellulose-1	99	None Detected	---	paint
160787-004 Drywall/Joint Compound Bedroom Bathroom #2	1	Cellulose-10	90	None Detected	---	drywall
160787-004 Drywall/Joint Compound Bedroom Bathroom #2	2	Cellulose-2	98	None Detected	---	joint compound
160787-005 Joint Compound Bedroom #1	1	Cellulose-2 Fiberglass-1	97	None Detected	---	

Results of Polarized Light Microscopy

Client: US EPA - Region III

Site Address: Wight Bay Condominium (b) (6)

Sample Date: 4/1/2016

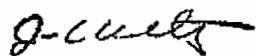
Project #: 160787

Sample Received Date: 4/1/2016 1:49:00 PM

Collected By: US EPA - Region III

Analyzed By: Colsher, Blythe

Analysis Date: 4/6/2016

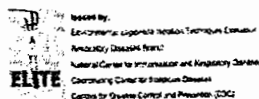


James A. Weltz, CIH, President

Criterion Laboratories, Inc. bears no responsibility for sample collection activities of non-Criterion personnel. This report relates only to the samples reported above, and when reproduced, must be in its entirety. Estimated accuracy, precision and uncertainty data available upon request. Unless requested by the client, building materials manufactured with multiple layers (i.e. linoleum, wallboard, etc.) are reported as a single sample. None Detected = <1%. Unless otherwise noted: Blank results are not subtracted from any results; QC data associated with this sample set is within acceptable limits: Samples were received in good condition.

Note: If your project number ends with an "R", it is a revised report and replaces the original document in full. The above results represent the analysis of bulk sample(s) by Criterion Laboratories, Inc. according to EPA 40 CFR Part 763 Appendix E to Subpart E - Polarized Light Microscopy. The concentration of asbestos is determined by visual estimation.

THIS IS THE LAST PAGE OF THE REPORT



Criterion Laboratories, Inc. (ID 100424) is accredited by the AIHA Laboratory Accreditation Programs (AIHA-LAP), LLC in the IHLAP; EMLAP and ELLAP accreditation programs for Polarized Light Microscopy (PLM). Phase Contrast Microscopy (PCM); Air-Direct Examination; and Airborne Dust, Paint, Settled Dust by Wipe and Soil for Fields of Testing as documented by the Scope of Accreditation Certificate and associated Scope. Additionally, Criterion Laboratories, Inc. is certified by the Center for Disease Control (CDC) Environmental Legionella Isolation Techniques Evaluation (ELITE) Program for the determination of Legionella in water by culture and holds accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP ID 102046-0) for the determination of asbestos in bulk samples by Polarized Light Microscopy (PLM). This test report must not be used to claim product endorsement by NVLAP, NIST, AIHA or any agency of the US Government. Unless specifically listed as above, these test results are not covered under AIHA-LAP, LLC, 100424 accreditation.



Project #: 160787

Client Information

Rev. 02_<11_20121019

Company: US EPA - Region III
Address: 1650 Arch Street
MC: WC32
City: Philadelphia PA 19103
Contact: Rich Ponak
Cell:
Phone: (215) 814-2044 **Ext.:**
Fax: (215) 814-3113 **E-Mail:** Ponak.Rich@epamail.epa.gov

Project Manager: Schwab, Andrew
Activity Code: 72
Project Open Date: 4/1/2016
Site Address: Wight Bay Condominium (b) (6)

Activity: PLM Analysis

Instructions:

Office Notes:

Unique Sample ID	Sample Description	Sample Location	Analyte
160787-001	paper/backing		ND
160787-002	insulation/plaster		ND
160787-003	foam/paint		ND
160787-004	Dry wall / Joint Compd		ND
160787-005	Joint Compd		ND

Relinquished By

[Signature]

Date / Time

4/1/2016 1:46:00 PM

Received By

B. Colsher / B. Colsher

Date / Time

4/1/2016 1:46:00 PM

Analyzed By

B. Colsher / B. Colsher

Date / Time

4/1/2016 1:46:00 PM

[illegible]